

STATE OF NORTH CAROLINA v. TIMOTHY EARL BLACKWELL

No. 567A99

Filed 21 December 2000

No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 135 N.C. App. 729, 522 S.E.2d 313 (1999), vacating and remanding judgments entered 17 April 1998 by Hudson, J., in Superior Court, Durham County. Heard in the Supreme Court 18 April 2000.

Michael F. Easley, Attorney General, by Isaac T. Avery, III, Special Deputy Attorney General, and Jonathan P. Babb, Assistant Attorney General, for the State-appellant.

Robert Brown, Jr., Public Defender, and Shannon A. Tucker and C. Scott Holmes, Assistant Public Defenders, for defendant-appellee.

PER CURIAM.

In *State v. Jones*, 353 N.C. ___, ___ S.E.2d ___ (Dec. 21, 2000) (No. 347A99), decided today, this Court held that culpable negligence may not be used to satisfy the intent requirements for a first-degree murder charge under the felony murder rule. We remand this case to the Court of Appeals for reconsideration in light of *Jones*.

REMANDED.